

2003 DRAFTING REQUEST

Bill

Received: **11/27/2002**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Gunderson (608) 266-3363**

By/Representing: **Mike**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters: **rchampag**

Subject: **Munis - miscellaneous
Counties - miscellaneous
Education - miscellaneous
Employ Pub - collective bargain**

Extra Copies: **PG**

Submit via email: **YES**

Requester's email: **Rep.Gunderson@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Residency requirements, local government employees

Instructions:

See Attached. Redraft 2001 AB 113 (LRB -1072/2), and AA 1 (LRB a0415/2)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers	kfollett					S&L
	12/02/2002	12/10/2002					
	rchampag	kfollett					
	12/06/2002	01/23/2003					

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1

chaskett	_____
01/24/2003	_____

lemery	_____
01/24/2003	_____

mbarman	_____
01/28/2003	_____

FE Sent For:

At intro.

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/1			chaskett	_____	lemery		
			01/24/2003	_____	01/24/2003		

FE Sent For:

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1/1 MEs	12/2/02	11 kjf + cjs		rs/cp			
FE Sent For:		12/11	1 cjs	1/24			
			1/24	<END>			

Shovers, Marc

From: Bruhn, Mike
Sent: Tuesday, November 26, 2002 2:14 PM
To: Shovers, Marc
Subject: drafting...

Marc,

Rep. Gunderson would like to get the following bills from the 2001-2002 Legislative Session redrafted for the 2003-2004 Legislative Session: Assembly Bill 113 (as amended by Assembly Amendment 1) and Assembly Bill 134. If you should have any questions, please feel free to contact me at 266-3363.

Michael Bruhn
Rep. Gunderson's office

Mon JAN 27

2003 2001 ASSEMBLY BILL 113

PWF
all
amended
sections

February 13, 2001 - Introduced by Representatives GUNDERSON, JENSEN, HUEBSCH, NASS, FREESE, LADWIG, MUSSER, BALOW, KREIBICH, POWERS, JOHNSRUD, ALBERS, SKINDRUD, SYKORA and URBAN, cosponsored by Senators S. FITZGERALD, SCHULTZ and HUELSMAN. Referred to Committee on Urban and Local Affairs.

legis

- 1 AN ACT to repeal 59.26 (1) (c); to amend 17.03 (4) (d), 60.37 (1), 62.13 (4) (d),
- 2 63.08 (1) (a) and 63.25 (1) (a); and to create 66.0502 of the statutes; relating
- 3 to: prohibiting cities, villages, towns, counties, and school districts from
- 4 imposing residency requirements on certain employees.

Analysis by the Legislative Reference Bureau

With some exceptions, this bill prohibits local governmental units (cities, villages, towns, counties, and school districts) from requiring, as a condition of employment, that any nonelective employee or prospective employee reside within any jurisdictional limits. Exceptions to the general prohibition include certain public officials appointed by the mayor of a 1st class city (presently only Milwaukee) and certain school board officials. In addition, the prohibition does not apply to any other state law requiring residency for a municipal position or to any state or municipal requirement for state residency.

The bill also allows a local governmental unit to impose a residency requirement on police officers or firefighters that may not require such personnel to live closer than 15 miles outside of the boundary of the local governmental unit, although such personnel may choose to live closer to the boundary of the local governmental unit than the distance specified in the ordinance. If ~~however~~ a local governmental unit has in effect a less restrictive residency requirement on the effective date of the bill that applies to police officers or firefighters who are employed by the local governmental unit on the effective date of the bill, ~~such personnel would~~

→ a local governmental unit does not have a residency requirement in effect on the effective date of the bill or if

ASSEMBLY BILL 113

the local governmental unit may not enact or impose the residency requirement that is created in the bill, but could continue to enforce its existing not be subject to a stricter residency requirement that is enacted by the local governmental unit

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

Insert RAS Budgets

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 17.03 (4) (d) of the statutes is amended to read:

17.03 (4) (d) If the office is local and appointive, and residency, subject to s. 66.0502, is a local requirement, the county, city, village, town, district, or area within which the duties of the office are required to be discharged.

SECTION 2. 59.26 (1) (c) of the statutes is repealed.

SECTION 3. 60.37 (1) of the statutes is amended to read:

60.37 (1) GENERAL. The town board may employ on a temporary or permanent basis persons necessary to carry out the functions of town government. The board may establish the qualifications and terms of employment, which may not include the residency of the employee. The board may delegate the authority to hire town employees to any town official or employee.

plain text including, subject to sub. (4), any elected officer of the town

SECTION 4. 62.13 (4) (d) of the statutes is amended to read:

62.13 (4) (d) The examination shall be free for all U.S. citizens over 18 and under 55 years of age, with proper limitations as to ~~residence~~, health and, subject to ss. 111.321, 111.322, and 111.335, arrest and conviction record. The examination, including minimum training and experience requirements, shall be job-related in compliance with appropriate validation standards and shall be subject to the approval of the board and may include tests of manual skill and physical strength. All relevant experience, whether paid or unpaid, shall satisfy experience requirements. The board shall control examinations and may designate and change

ASSEMBLY BILL 113

plain text 3 -

LRB-1072/2
MES:kmg:km
SECTION 4

, other than an applicant for a deputy sheriff position under s. 59.26(8)(a),

1 examiners, who may or may not be otherwise in the official service of the city, and
2 whose compensation shall be fixed by the board and paid by the city. Veterans and
3 their spouses shall be given preference points in accordance with s. 230.16 (7).

4 SECTION 5. 63.08 (1) (a) of the statutes is amended to read:

5 63.08 (1) (a) Any applicant for an examination under s. 63.05 shall be a resident
6 of this state before applying for an examination, but the commission may not require
7 any period of residency in the county for entrance to an examination or employment
8 in the county. The commission may require an applicant to file a written application
9 form which bears upon the applicant's fitness for a vacant position and which the
10 commission deems necessary. For a position offering a skilled, technical, or
11 professional service, upon a finding that a suitable number of qualified applicants
12 cannot be obtained from within the state, the commission may open the examination
13 to residents of other states. Residency in this state may be waived for an applicant
14 for an examination for a position which requires a license in a health care field. No
15 question pertaining to political affiliation or religious faith may be asked of any
16 applicant for an examination.

17 SECTION 6. 63.25 (1) (a) of the statutes is amended to read:

18 63.25 (1) (a) For open, competitive examinations and for other examinations
19 by which to test applicants for office or for employment as to their practical fitness
20 to discharge the duties of the positions which they desire to fill, which examinations
21 shall be public and free to all persons with proper limitations as to residence, age,
22 health, and, subject to ss. 111.321, 111.322, and 111.335, arrest and conviction record.

23 SECTION 7. 66.0502 of the statutes is created to read:

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SECTION 7

1 **66.0502 Employee residency requirements prohibited.** (1) The
2 legislature finds that public employee residency requirements are a matter of
3 statewide concern.

4 (2) In this section:

5 (a) "Emergency personnel" means a law enforcement officer or a firefighter. *emergency medical technician*

6 (b) "Local governmental unit" means any city, village, town, county, or school
7 district.

8 (3) Except as provided in sub. (4), no local governmental unit may require, as
9 a condition of employment, that any employee or prospective employee reside within
10 any jurisdictional limit.

11 (4) (a) This section does not affect any statute that requires residency within
12 the jurisdictional limits of any local governmental unit ~~or town sanitary district~~ or
13 any provision of law that requires residency in this state.

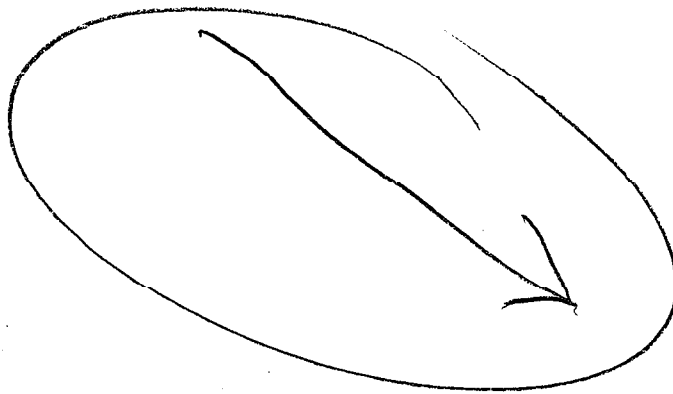
14 (b) Subject to par. (c), a local governmental unit may impose a residency
15 requirement on emergency personnel that ~~may~~ ^{does} not require the emergency personnel
16 to live closer than 15 miles outside of the boundary of the local governmental unit,
17 although such emergency personnel may choose to live closer to the boundary of the
18 local governmental unit than the distance specified in the ~~ordinance~~ ^{requirement}.

19 (c) If a local governmental unit has a residency requirement that is in effect on
20 the effective date of this paragraph [revisor inserts date], that applies to
21 emergency personnel and that requirement is less stringent than a residency
22 requirement described under par. (b), a residency requirement that is enacted or
23 adopted under par. (b) may not be applied to any emergency personnel who are
24 employed by that local governmental unit on the effective date of this paragraph
25 [revisor inserts date].

ASSEMBLY BILL 113**SECTION 8. Initial applicability.**

(1) This act first applies to any city, village, town, county, or school district whose employees are covered by a collective bargaining agreement that is in effect on the effective date of this subsection upon the expiration, extension, renewal, or modification of the agreement.

(END)



**ASSEMBLY AMENDMENT 1,
TO 2001 ASSEMBLY BILL 113**

April 11, 2001 – Offered by COMMITTEE ON URBAN AND LOCAL AFFAIRS.

At the locations indicated, amend the bill as follows:

1. Page 4, line 5: after “officer” insert “, emergency medical technician”.

2. Page 4, line 12: delete “or town sanitary district,”.

3. Page 4, line 19: delete lines 19 to 25 and substitute:

(C) If a local governmental unit does not have a residency requirement that is in effect on the effective date of this paragraph [revisor inserts date], that applies to emergency personnel, or if a local governmental unit has a residency requirement that is in effect on the effective date of this paragraph [revisor inserts date], that applies to emergency personnel and that requirement is less stringent than a residency requirement described under par. (b), the local governmental unit may not enact or impose a residency requirement under par. (b), but the local governmental unit may continue to enforce its residency requirement that is in effect on the

1 effective date of this paragraph [revisor inserts date], that is less stringent than
2 a residency requirement described under par. (b).

3 ~~SECTION 7c.~~ 111.70 (1) (a) of the statutes is amended to read:

4 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
5 obligation of a municipal employer, through its officers and agents, and the
6 representative of its municipal employees in a collective bargaining unit, to meet and
7 confer at reasonable times, in good faith, with the intention of reaching an
8 agreement, or to resolve questions arising under such an agreement, with respect to
9 wages, hours, and conditions of employment, and with respect to a requirement of the
10 municipal employer for a municipal employee to perform law enforcement and fire
11 fighting services under s. 61.66, except as provided in sub. (4) (m) and (o) and s. 40.81
12 (3) and except that a municipal employer shall not meet and confer with respect to
13 any proposal to diminish or abridge the rights guaranteed to municipal employees
14 under ch. 164. The duty to bargain, however, does not compel either party to agree
15 to a proposal or require the making of a concession. Collective bargaining includes
16 the reduction of any agreement reached to a written and signed document. The
17 municipal employer shall not be required to bargain on subjects reserved to
18 management and direction of the governmental unit except insofar as the manner
19 of exercise of such functions affects the wages, hours, and conditions of employment
20 of the municipal employees in a collective bargaining unit. In creating this
21 subchapter the legislature recognizes that the municipal employer must exercise its
22 powers and responsibilities to act for the government and good order of the
23 jurisdiction which it serves, its commercial benefit and the health, safety, and welfare
24 of the public to assure orderly operations and functions within its jurisdiction,

1 subject to those rights secured to municipal employees by the constitutions of this
2 state and of the United States and by this subchapter.

3 ~~SECTION 7b.~~ 111.70 (4) (m) (title) of the statutes is amended to read:

4 111.70 (4) (m) (title) *Prohibited subjects of bargaining; school districts.*

5 ~~SECTION 7b.~~ 111.70 (4) (m) 5m. of the statutes is created to read:

6 111.70 (4) (m) 5m. A decision to impose a residency requirement under s.
7 66.0502 (4) (b).

8 ~~SECTION 7c.~~ 111.70 (4) (o) of the statutes is created to read:

9 111.70 (4) (o) *Prohibited subjects of bargaining.* In a city, village, town, or
10 county, the municipal employer is prohibited from bargaining collectively with
11 respect to a decision to impose a residency requirement under s. 66.0502 (4) (b).
12

12 ~~4. Page 5, line 2: delete lines 2 to 5 and substitute:~~

13 ~~Sec. # 7c. Initial applicability.~~

13 ~~7c.~~ This act first applies to the imposition of any residency requirement for an
14 employee of any city, village, town, county, or school district who is covered by a
15 collective bargaining agreement that is in effect on the effective date of this
16 subsection upon the expiration, extension, renewal, or modification of the
17 agreement.
18

(END)

11/17
APP

RAC Analysis

① Finally, the bill prohibits a local governmental employ^{er} from bargaining collectively with respect to a ^{to} decision ^{decision} residency requirement. ~~to install~~ impose a residency requirement.

end analysis

Mentkowski, Annie

From: Bruhn, Mike
Sent: Tuesday, January 28, 2003 1:14 PM
To: LRB.Legal
Subject: Draft review: LRB-0964/1 Topic: Residency requirements, local government employees

It has been requested by <Bruhn, Mike> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-0964/1 Topic: Residency requirements, local government employees